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April 7, 2023

VIA CM/ECF

United States Court of Appeals for the Eleventh Circuit
David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth St. NW Atlanta, GA 30303

Re: *Cooper et. al v. Garland, et al. No. 22-13893*

Citation of Supplemental Authorities pursuant to Fed. R. App. P. 28(j)
and 11th Cir. IOP 6, Citation of Supplemental Authorities

Dear Mr. Smith,

In their Reply Brief filed on April 5, 2023, the Appellants cited to *United States v. Connelly*, 2022 WL 17829158 (W.D. Tex. Dec. 21, 2022). In that order, the district court denied a defendant's challenge to the constitutionality of both 18 U.S.C. § 922(d)(3) and (g)(3) based upon what it determined to be binding Fifth Circuit precedent. *See* Reply Br., p. 18. The Appellees have also cited to this order. *See* D. Br., p. 18 n. 4.

On April 6, 2023, the district court granted¹ a motion for reconsideration relating to that previous order and dismissed the criminal charges relating to the two challenged statutes. The court concluded that, in light of *United States v. Rahimi*, 61 F. 4th 443 (5th Cir. 2023), the precedent it previously relied upon was “no longer good law.” Order, p. 7. It then proceeded to the analysis required in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 U.S. 211 (2022).

The district court concluded that this defendant was within “the people” the Second Amendment protected despite her marijuana use. *See* Order, p. 9. Following that, the district court found that the laws at issue were not relevantly similar to any pertinent historical regulations relating to intoxication. *See* Order, p. 12-18. It held further that the defendant’s admission to misdemeanor conduct was not sufficient to place her within the class of persons who could be historically disarmed for being non-“law abiding.” *See* Order, p. 19-20. These findings and conclusion mirror several positions the Appellants have advanced in the present matter. *See* Reply Br., p. 4-7 (regarding who is amongst “the people”), p. 17-21 (regarding intoxication), and p. 8-14 (regarding criminality).

¹ Case No. 3:22-cr-00229-KC, Doc. No. 101 (“Order;” attached as an exhibit hereto).

Respectfully submitted,

/s/ William D. Hall

William D. Hall
Counsel for Plaintiffs-Appellants

CC: All Counsel (Certificate of Service attached)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 7, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ William D. Hall
William D. Hall